

Application Serial No. 09/206,782

## REMARKS

### A. Status of Claims

In the Office Action mailed December 17, 2004, the Examiner rejected all pending claims 1-3, 6, 8 and 34. Claims 1 and 34 have been amended. As a result, claims 1-3, 6, 8, and 34 (2 independent claims, 6 claims total) remain pending in the application. No new matter has been added. Reconsideration is respectfully requested in light of the following Remarks.

### B. Section 102 Rejections

Claims 1-3, 6, 8, and 34 stand rejected to under 35 U.S.C. 102(b) as being anticipated by Kujawa et al (U.S. Pat. No. 5,548,633). This rejection is respectfully traversed with respect to the claims as amended. Kujawa does not include each and every element of the independent claims as amended. While it is true that Kujawa generally discloses a method of transmitting metering data over a network (using DSL), it stops short of teaching, suggesting, or otherwise disclosing a least three major elements of the claims as amended -- i.e., the calculation of billing data, the reporting of metering data, and the incorporation of a payment system.

#### 1. *No step of "calculating billing data"*

Kujawa does not disclose or suggest the calculation of billing data as recited in the claims, wherein said calculation takes into account generation costs, transmission costs, and distribution costs. The only substantive mention of billing information in Kujawa is in

Application Serial No. 09/206,782

Column 8, lines 5-9, which merely mentions that usage billing and billing data may be maintained by the utility provider.

2. *No step of "reporting metering data . . . via a website"*

Kujawa does not disclose the step of reporting metering data, much less the reporting of metering data via a website accessible to the utility consumer over the Internet. As mentioned above, the only mention of billing information in Kujawa is in Column 8, lines 5-9, which only relates to data storage, not reporting in the manner claimed.

3. *No "payment system"*

Kujawa does not disclose or suggest the step of "allowing said consumer to affect electronic funds transfer via a payment system in accordance with said billing data" as recited in the independent claims as amended. As mentioned above, Kujawa is not concerned with communication of information to the consumer, thus it is not surprising that Kujawa does not include a description of a payment system.

As Kujawa clearly fails to disclose these elements and the combination thereof, Applicants respectfully request that this rejection be withdrawn.

**CONCLUSION**

In view of the above remarks, Applicants respectfully submit that all of the pending claims 2 independent claim(s), 6 total claims) properly set forth that which Applicant regards as his invention and are allowable over the cited prior art.

Accordingly, Applicant respectfully requests allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6325 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Respectfully submitted,

Dated: 6/17/05

By:   
Daniel R. Pote, Reg. No. 43,011

**SNELL & WILMER L.L.P.**  
One Arizona Center  
Phoenix, AZ 85004-2202  
Phone: (602) 382-6325  
Fax: (602) 382-6070  
dpote@swlaw.com